

REMARKS

Claims 1-4 and 6-15 are pending in this application with Claims 1 and 11 as independent claims. Claim 1 was previously amended to incorporate the recitation of Claim 5, which was cancelled. The Examiner rejected the claims as follows. Claims 11, 12, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2001/0010055038 (Kim). Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of U.S. Patent No. 5,742,492 (Matthews). Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of U.S. Patent No. 6,993,362 (Aberg). Claims 7-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews, in view of Aberg.

Reconsideration of this Application is respectfully requested.

It is gratefully acknowledged that Claims 6 and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding the rejection of Claim 1 under 35 U.S.C. §103(a), the Examiner states that the combination of Matthews and Aberg teaches each and every limitation of Claim 1. More specifically, the Examiner states that Matthews teaches each and every limitation of Claim 1 except for a control unit for dynamically generating and deleting a plurality of menu planes according to a user's setting, each menu plane including at least one menu item, which the Examiner states is taught by Aberg in col. 6, line 6 to col. 7, line 15 and Fig. 3 (Office Action, p 5). After reviewing Aberg, Applicant respectfully disagrees.

Aberg teaches a dynamic menu, which is included as a part as the overall menu structure (top-level menus 100, 200, 300, sub-level menus 110, 120, 130, etc.). Although *Aberg* teaches the “user may be provided with an option to delete a specific menu item 311, 312 from the dynamic sub-menu 310” this teaching goes to a two-dimensional menu as opposed to a menu with three-dimensional effect as disclosed in the present application. The dynamic menu recited in *Aberg* is for collecting a menu item a user desires. In other words, only a single menu is displayed and a key input is used to change menus. In contrast, as defined by the claims, the present application provides multi-dimensional navigation between menu planes, thereby enabling up/down/left/right movement between menu items in a state where the menu items are displayed. In this regard, Claim 1 includes the recitation of a control unit for enabling multi-dimensional navigation between the generated menu planes, which is neither taught nor suggested by Matthews or *Aberg* or the combination thereof.

Aberg recites that in order to generate the dynamic menu, the user can add a desired menu item to the dynamic menu without distinguishing a top-level menu item from a sub-level menu item. The dynamic menu of *Aberg* is not for including more than one menu registration slot connected to the registered menu, unlike the menu plane taught by Claim 1 of the present invention. *Aberg* neither teaches nor reasonably suggests the structure for including at least one menu registration slot connected to the registered menu in each menu plane.

Moreover, Claim 1 was previously amended to include the recitation of Claim 5. In the Office Action of December 15, 2005, Claim 5 was rejected as being obvious over Matthews III et al. (US Patent No. 5, 724, 492) in view of Kim et al. (Pub. No. 2001/0006388) and further in view of Nishiyama et al. (Pub. No. 2002/0111139); the same rejection was reasserted on May 18, 2006. However, in the present Office Action Claim 1 is

rejected over Matthews in view of Aberg. Claim 5, which is now incorporated within Claim 1, has not been rejected before over Matthews in view of Aberg.

Accordingly, for at least the above-stated reasons, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 1 be withdrawn.

Regarding the Examiner's rejection of independent Claim 11, the Examiner states that Kim teaches each and every element of the claim. After reviewing the cited reference, it is respectfully submitted that the Examiner is incorrect.

As an initial matter, 35 U.S.C. §102(b) states "the invention was patented or described in a printed publication...more than one (1) year prior to the date of application for patent in the United States." Kim was published on December 27, 2001. This application was filed on August 27, 2003, and claims priority dating to September 9, 2002, which is less than the statutory period of one (1) year. Therefore, the rejection does not meet the statutory requirement of 35 U.S.C. §102(b).

Next, Kim discloses displaying menu lists on one screen and using a key operation to shift between menus (e.g., see, Kim FIG. 4). In other words, only a single menu is displayed and a key input is used to change menus. In contrast, as defined by the claims, the present application provides multi-dimensional navigation between menu planes, thereby enabling up/down/left/right movement between menu items in a state where the menu items are displayed.

PATENT APPLICATION
Attorney Docket No: 678-1006 (P10433)

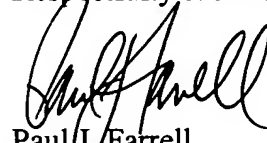
Moreover, Claim 11 has been amended to include the recitation of a first menu plane of a polyhedron, which is any one of a plurality of planes of a polyhedron, which is neither disclosed expressly or impliedly by Kim.

Accordingly, for at least the above-stated arguments, it is respectfully requested that the rejection under 35 U.S.C. §102(b) of Claim 11 be withdrawn.

Claims 2-4, 6-10 and 12-15 are dependent claims; accordingly, if the above amendments and arguments place the independent claims into condition for allowance, then these dependent claims will also be in condition for allowance.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM, PC
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/EC